

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

August 25, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 05-00117HG  
CASE NAME: U.S.A. vs. (01) KENNETH CHIO HENG IONG and  
(02) DOROTHY CHIU LAI YUNG  
ATTYS FOR PLA: Leslie E. Osborne, Jr.  
Jason Pa (Case Agent ICE)  
Florence Poon (Case Agent IRS)  
ATTYS FOR DEFT: David F. Klein (01)  
Loretta A. Faymonville (02)  
INTERPRETER: Candy Choi

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JUDGE:	Helen Gillmor	REPORTER:	Debra Chun
DATE:	August 25, 2006	TIME:	8:30 - 9:10

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COURT ACTION: FINAL PRETRIAL CONFERENCE -  
DEFENDANT (01) KENNETH CHIO HENG IONG'S MOTION:  
1. TO WITHDRAW AS COUNSEL -  
2. TO SUPPRESS STATEMENT MADE NOVEMBER 6,  
2003 -  
3. TO SEVER COUNT II -  
4. TO DISMISS COUNT 1 OF THE INDICTMENT -

Ms. Candy Choi was sworn as an interpreter in the Chinese language prior to convening of the court for Defendant (02) Dorothy Chiu Lai Yung.

Both defendants are present on bond.

### **Motion to Withdraw as Counsel (Doc. 49)**

Defendant (01) Kenneth Chio Heng Iong's Motion to Withdraw as Counsel. The Court directed the Government's attorney and agents, and Co-defendant, counsel, and interpreter to vacate the courtroom.

Defendant (01) addressed the Court.

Defendant (01) Kenneth Chio Heng Iong's Motion to Withdraw as Counsel (Doc. 49) is **GRANTED**. Mr. Klein and Defendant Iong are instructed to go before Magistrate Judge Chang for appointment of new counsel.

**Oral Motion to Withdraw Defendant Kenneth Chio Heng Iong's Motion to Dismiss Count 1 of the Indictment (Doc. 46)**

The Defendant (01) Kenneth Chio Heng Iong's Oral Motion to Withdraw [doc. 46] Defendant Kenneth Chio Heng Iong's Motion to Dismiss Count 1 of the Indictment (Doc. 46) is **GRANTED**. Defendant (01) Kenneth Chio Heng Iong consented to the withdrawal of motion.

**Remaining Motions and Scheduling**

Defendant (01) Kenneth Chio Heng Iong's Motion to Suppress Statement Made on November 6, 2003 and Motion to Sever Count 11 - continued to **October 6, 2006 at 9:00 a.m.** before Judge Gillmor.

The Final Pretrial Conference before Magistrate Judge Kobayashi on August 28, 2006 is continued to **September 22, 2006 at 10:00 am.** before Magistrate Judge Kurren.

The Final Pretrial Conference is set for **October 17, 2006 at 8:30 a.m.** before Judge Gillmor.

The Jury Trial is continued from September 12, 2006 to **October 24, 2006 at 9:30 a.m.** before Judge Gillmor.

**Speedy Trial Act**

The Court finds that the ends of justice served by such an action outweigh the best interest of the public and the defendant in a speedy trial. The Court orders that the period from September 12, 2006 to and including October 24, 2006 be excluded from computation under the Speedy Trial Act as a failure to grant the continuance would unreasonably deny Defendant Kenneth Chio Heng Iong appointment of new counsel as requested and would unreasonable deny the Government and Defendant (02) Dorothy Chiu Lau Yung continuity of counsel and Defendant Iong's new counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Estimated trial time: Government will call 52 witnesses and will take

approximately 1 week. Defendant (02) Dorothy Chiu Lai Yung will take approximately ½ day. No estimated trial days for Defendant (01) Kenneth Chio Heng Iong.

Mary Rose Feria, Courtroom Manager  
David H. Hisashima, Courtroom Manager